IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8923 OF 2003

Jaywant Kashinath Patil .. Petitioner

V/s

University of Mumbai & Ors. .. Respondents

Mr. C.J. Sawant with Mr. G.J. Sabnis for the Petitioner.

Mr.Sushil Mahadeshwar for Respondent No.1.

Mr.Vimadalal i/b M/s Vimadalal & Co. for Respondents Nos.2 and 3.

Ms. Thakur, A.G.P. for Respondent No.4.

CORAM : H.L. GOKHALE &
S.P. KUKDAY, JJ.

DATE : 10TH JUNE 2005

P.C. :

1. Rule. Rule is made returnable forthwith.

2. Heard learned counsel for the parties.

3. The Petitioner is working as a Lecturer in Rural Development in P.L. Shroff College of Arts & Commerce, Chinchani, District Thane, Respondent No.3 herein. The college is affiliated to Respondent No.1 University. In 1995, when the Petitioner was appointed, an advertisement was given for the reserved category candidate. Since the candidate was not available and the Petitioner fulfilled the qualification, he was

selected by the duly constituted Selection Committee which had a representative of the University. He has been working since then. The post was required to be advertised by the University again in June 2002. The post was readvertised for the reserved category. The candidate was not available. The Petitioner was therefore continued in that post. He has been continuing since then.

4. The petition seeks regularisation in the post wherein he has been teaching all these years. The submission is that necessary advertisements were issued, suitable candidates are not available and therefore under the relevant policy decisions of the Government, the Petitioner ought to be regularised.

5. The counsel appearing for the Respondents leave it to the Court to pass appropriate orders.

6. In view of the above, we direct Respondent No.2 Education Society to forward the proposal for regularisation of the Petitioner in the post to the 1st Respondent University. The University will recommend it to Respondent No.4 - Director of Higher Education, and considering the totality of the circumstances, we expect the Director to grant approval for regularisation of the

Petitioner in this post.

7. In the meanwhile, undoubtedly, the Petitioner will continue to work and the post need not be advertised.

8. Mr.Vimadalal, learned counsel for the College Management, states that the proposal will be sent within 2 weeks. The University will scrutinise it and forward it to the Director within 4 weeks thereafter and we expect the Director to take the decision within 8 weeks thereafter.

9. Rule is made absolute as above though there will be no order as to costs.

(H.L. GOKHALE, J.)

(S.P. KUKDAY, J.)